

Interview Summary	Application No.	Applicant(s)	
	09/639,207	KAZEMI-ESFARJANI ET AL.	
	Examiner	Art Unit	
	Daniel M Sullivan	1636	

All participants (applicant, applicant's representative, PTO personnel):

(1) Daniel M Sullivan.

(3) Michael Reed.

(2) Anne-Marie Falk.

(4) _____.

Date of Interview: 23 April 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1,7,9-14 and 17-25.

Identification of prior art discussed: Warrick et al. (1998) Cell 93:939-949 and Rorth (1996) Proc. Natl. Acad. Sci. 93:12418-12422.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Anne-Marie Falk
ANNE-MARIE FALK, PH.D
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative initiated the interview to discuss the rejection of claims 1, 7, 9-14 and 17-25 as obvious over Warrick et al. in view of Rorth. Applicant's position, as indicated in previous office actions, is that the skilled artisan would not be motivated to combine the teachings of the cited art given the broad teaching of Warrick to use *Drosophila* genetics to identify genes that can delay or prevent deleterious consequences of polyglutamine repeat proteins. Applicant asserts that Warrick is only specific with regard to expression of exogenous genes. The Examiners maintained their position, also stated in previous office actions, that the *Drosophila* genetics referred to by Warrick clearly encompasses the method taught by Rorth, and that the teaching in the first full paragraph on page 12422 wherein Rorth states, "[t]his is a novel genetic approach to link genes and function in higher eukaryotes: identifying genes that, when over- or misexpressed in a pattern of interest, give a specific phenotype or modulate an existing mutant phenotype" provides clear motivation to combine the teachings. Applicant suggested that, given these teachings, the instant invention might be obvious to try but not obvious. The Examiners responded that, given that Rorth explicitly teaches that his method is useful to identify interacting genes and is generally applicable to any mutant phenotype, the skilled artisan would recognize that the method of Rorth would be useful to identify genes that can delay or prevent deleterious consequences of polyglutamine repeat proteins as suggested by Warrick. In further discussion of how the rejection might be overcome, the Examiners indicated that adding the limitation of a fly comprising a polyglutamine repeat of at least 100 contiguous glutamine residues to the method claims would render the fly, and thus the invention as a whole, non-obvious.